

The examiner has cited Kaufman, US 6,247,612, ('612) application 08/869,028, filed June 4, 1997 and a continuation-in-part of application no. 08/869,018 filed on June 4, 1997 now patent number Kaufman, US 5,924,596, ('596).

Upon close reading of Kaufman, applicant's attorney applauds Kaufman for hitting the jackpot. Kaufman managed to obtain a double patent that covers:

1. A method for dispensing a product by chance, '612, Claim 6 and '596, claim 10;
2. A process for dispensing a product by chance, '612, Claim 10;
3. An apparatus for dispensing a product by chance, '612 Claim 1 and '596, claims 1 and 5;
4. A gambling machine, '612, Claim 12 and '596, claim 12.

In my many years of practice, applicant's attorney has never been so lucky. The examiners I have been assigned have usually required a divisional or an election of species for such an application so that a multiple application process with multiple fees and multiple responses had to be pursued. I really tip my hat to Kaufman and his attorney.

Applicant's attorney continues to respectfully traverse examiner's opinion that Kaufman is proper prior art to the Beckman/Perez patent application. Kaufman may show the state of the art that is vastly improved by the solution to a desired problem shown in Kaufman – how to use a vending machine in such a manner as to increase the marketing and attraction of the vending machine. Most vending machines just stand there waiting to be found. Kaufman's vending machine is shown to have attractive advertizing and to promoting gambling.